

Remarks/Arguments

I. Status

Claims 1-3 are pending. Applicants have withdrawn claim 3, as directed to a non-elected invention in light of the Restriction Requirement issued by the Examiner. Such withdrawal is made without prejudice or disclaimer to the prosecution of claims directed to such invention in a divisional or continuation application. Accordingly, claims 1-2 are presented for Examination.

II. The Requirement for Restriction

The Examiner has advised that Claims 1-3 are directed to two distinct inventions:

- I. Claims 1-2, drawn to a titanium-copper alloy, classified in Class 420, Subclass 417+; and
- II. Claim 3, drawn to a method of producing a titanium-copper alloy, classified in Class 148, Subclass 6687+.

The Examiner has accordingly required restriction of the claims.

Applicants herewith elect, with traverse, to prosecute invention I (titanium-copper alloy). Accordingly, claim 3 has been withdrawn. Election is made *with traverse*, since it is submitted that the Examiner has failed to provide any basis for concluding that the inventions are independent (and not merely distinct). Moreover, it is submitted that examination of all of the claims would not impose a serious burden on the Examiner.

III. Concluding Remarks

Applicants submit that the present response is complete and complies with the requirements of 35 U.S.C. §121. The Application is believed to be in condition for Examination and early notice of favorable action is respectfully requested. Should the

Examiner have any remaining questions regarding the subject invention or its patentability, Applicants encourage the Examiner to contact the undersigned to answer such questions or provide any desired additional information.

Date: **January 31, 2007**

Edell, Shapiro & Finnan, LLC
1901 Research Boulevard, Suite 400
Rockville, MD 20850
Telephone: (301) 424-3640
Facsimile: (301) 762-4056

Customer No. **59866**

Respectfully Submitted,

/Jeffrey I. Auerbach/

Jeffrey I. Auerbach
Registration No. 32,680
Attorney for Assignee